

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **AGENDA FOR REGULAR COUNCIL MEETING**

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**MAY 7, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.**

**AND**

**LEGISLATIVE REVIEW MEETING OF THE WHOLE  
300 N. CAMPBELL  
MAIN CONFERENCE ROOM, 2<sup>ND</sup> FLOOR  
MAY 6, 2013  
9:00 a.m.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

### **ROLL CALL**

### **INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS**

1. OLDER AMERICANS AWARENESS MONTH
2. DRINKING WATER WEEK
3. THE NATIONAL ASSOCIATION OF LETTER CARRIERS - STAMP OUT HUNGER DAY
4. NATIONAL TOURISM WEEK
5. MENTAL HEALTH AWARENESS MONTH
6. THE MOVE! EL PASO YEAR

### **CALL TO THE PUBLIC – PUBLIC COMMENT**

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

### **NOTICE**

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

### **REGULAR AGENDA – OTHER BUSINESS**

#### **1. MAYOR AND COUNCIL:**

Presentation by Dr. de la Rosa, Founding Dean of the Paul Foster School of Medicine and Vice President of Health Affairs on the growth of the Health Sciences University campus and the health and economic impact to the City of El Paso.

[Representative Emma Acosta, (915) 541-4515]

### **NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

### **CONSENT AGENDA**

#### **2. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of April 30, 2013.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

#### **3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

#### **4. RESOLUTIONS:**

**4A.** That the City Manager be authorized to execute a Lease Agreement between the City of El Paso (the "Lessor") and Texas Tech University (the "Lessee"), for the placement of the Texas Tech University School of Architecture to be located at 700 W. San Francisco, El Paso, Texas. **(District 8)**  
[City Development, Peter Wallish, (915) 838-5578]

**4B.** That Representative Cortney Niland is appointed to the Board of Directors of the El Paso Central Appraisal District Board to fill an unexpired term commencing on May 7, 2013 through December 31, 2013. [Mayor John F. Cook, (915) 541-4145]

**5. NOTATION OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.2.110 of the City Code: receipt of campaign contributions by Steve Ortega on April 3, 2013, in the amount of \$5,000 from Jonathon Abrams; in the amount of \$500 from Robert L. Bowling IV; in the amount of \$500 from Clan Property Management, LLC; in the amount of \$500 from Michael E. Guerra; in the amount of \$500 from Rose Ann & Robert H. Hoy Jr; on April 4, 2013, in the amount of \$500 from Rafael Adame; in the amount of \$500 from William R. Caparis; in the amount of \$2,500 from Richard M. Dillion; in the amount of \$3,000 from Ricardo Fernandez; in the amount of \$5,500 from Harold Hahn; in the amount \$1,000 from Donald R. Margo II; in the amount of \$500 from Dr. Michiel Noe; in the amount \$5,000 from ONDASUN , LLC; in the amount of \$1,400 from Gary Sapp; on April 5, 2013, in the of \$1,000 from Alan R. Abbott; in the amount of \$500 from Lane Gaddy; in the amount of \$2,500 from Mathew Neesen; in the amount of \$500 from Haven R. & Diane W. Williams; on April 8, 2013, in the amount of \$1,000 from Randy Bowling, in the amount of \$500 from William Ellis; on April 10, 2013, in the amount \$1,000 from Nicolas Lamantia; in the amount of \$750 from John G Maxon. [Representative Steve Ortega, (915) 541-4124]

**REGULAR AGENDA - INTRODUCTIONS****6. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.**

**Public comments are invited at the date of the scheduled public hearing.**

- 6A.** An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as Lots 20 and 21, Block 50, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, as described in Volume 321, Page 1596, deed records of El Paso County, Texas, to Will Dylan Investments, in accordance with Section 34.05 (h) of the Tax Code. **(District 2)** [Tax Office, David Childs, (915) 541-4598]

**PUBLIC HEARING WILL BE HELD ON MAY 21, 2013, FOR ITEM 6A**

- 6B.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II Definitions of the El Paso City Code to amend the definition of transitional housing and to allow for the expiration of special permits for transitional homes. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [City Development, Alex Hoffman, (915) 541-4638]

**PUBLIC HEARING WILL BE HELD ON JUNE 4, 2013, FOR ITEM 6B**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – PUBLIC HEARINGS****7. CITY DEVELOPMENT:**

- 7A.** An Ordinance changing the zoning of Lots 9-14, Block 25, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) and imposing a condition and repealing Ordinance No. 017892, approved October 16, 2012 that changed the zoning of Lots 9-14, Block 25, Third Amended Map of Highland Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2413 Tremont Avenue. Property Owner: Hector F. Barraza. PZRZ12-00022 **(District 2)**  
[City Development, Andrew Salloum, (915) 541-4633]
- 7B.** An Ordinance granting Special Permit No. PZST12-00015, to allow for infill development with reduced front setback, reduced rear setback, reduced side setback, a parking reduction and to allow for a 50% increase in density on the property described as Lots 9 through 14, Block 25, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2413 Tremont. Property Owner: Hector F. Barraza. PZST12-00015 **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]
- 7C.** An Ordinance annexing the following real property described as a portion of Cherrington Street, southerly of Vista Del Sol Drive, within Gateway Estates, El Paso County, Texas. Subject Property: south of the Intersection of Vista Del Sol Drive and Cherrington Street, Property Owner: County of El Paso SUAX12-00001 **(East ETJ)** [City Development, Nelson Ortiz, (915) 541-4931]
- 7D.** An Ordinance vacating a portion of San Francisco Street as shown on the Mills map and Campbell's Addition, City of El Paso, El Paso County, Texas. SURW13-00011 **(District 8)** [City Development, Raul Garcia, (915) 541-4935]
- 7E.** An Ordinance changing the zoning of all of Tract 3C, Block 47, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9399 Alameda Avenue. Property Owner: Kathleen Louise Key. PZRZ12-00040 **(District 6)**  
[City Development, Andrew Salloum, (915) 541-4633]  
**POSTPONED FROM 4-30-13**
- 7F.** An Ordinance granting Special Permit No. PZST12-00018, to allow for infill development with reduced rear setback on the property described as a portion of Lots 30 through 32, Block 117, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1216 Copia Street. Property Owner: Victor M. Olivas and Estela Herrera. PZST12-00018 **(District 2)**  
[City Development, Andrew Salloum, (915) 541-4633]  
**POSTPONED FROM 4-30-13**

**8. DEPARTMENT OF TRANSPORTATION:**

- 8A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV - Speed Limits) Paragraph F (Thirty-Five Miles Per Hours), of the El Paso City Code, to add new speed limits, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(District 5)** [Department of Transportation, Keith Bennett, (915) 621-6882]
- 8B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets), of the El Paso City Code, to add Weston Brent Lane, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 7)** [Department of Transportation, Keith Bennett, (915) 621-6882]

**9. COMMUNITY AND HUMAN DEVELOPMENT:**

Public Hearing on the adoption of the Proposed 2013-2014 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 39th Year Program, the Emergency Solutions Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program. **(All Districts)**

[Community and Human Development, William L. Lilly, (915) 541-4643]

**REGULAR AGENDA – OTHER BUSINESS****10. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution that the City Council, having conducted a Public Hearing and received comment, hereby adopts the Proposed 2013-2014 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 39th Year Program, the Emergency Solutions Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program and the Housing Opportunities for Persons with AIDS (HOPWA) Program, and hereby directs that the notice of availability, including the Proposed 2013-2014 Annual Action Plan Budgets for the CDBG, ESG, HOME and HOPWA Programs, be published in the El Paso Times on Sunday, May 12, 2013, to provide the public with an opportunity to review the Proposed 2013-2014 Annual Action Plan, including the Proposed Budgets, and submit comments to the Department of Community and Human Development. The deadline for submission of written comments will be 6:00 p.m., on Thursday, June 13, 2013. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 18, 2013, for the purpose of receiving comments from the public and adopting the Final 2013-2014 Annual Action Plan, including the CDBG, ESG, HOME and HOPWA Budgets, for submission to the U.S. Department of Housing and Urban Development. **(All Districts)**

[Community and Human Development, William L. Lilly, 541-4643]

**11. CITY ATTORNEY:**

- 11A.** Discussion and action regarding City of El Paso State Legislative Agenda including update regarding progress on City's priority projects and further guidance and direction from City Council. **(All Districts)**

[Sylvia Borunda Firth, City Attorney's Office, (915) 541-4550]

- 11B.** Discussion and action regarding a Resolution that the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2013 be suspended for 45 days after the effective date specified in the filing; that Texas Gas Service Company is ordered to file with the City Clerk and City Attorney complete working papers supporting all of its claimed cost of the investment in service gas utility services; that the City Manager notify Texas Gas Service Company of the suspension; and that the City Attorney be authorized to engage outside counsel to represent the City on this matter. **(All Districts)**  
[Sylvia Borunda Firth, City Attorney's Office, (915) 541-4550]

## **12. CITY DEVELOPMENT:**

- 12A.** Discussion and action on a Resolution that the Mayor be authorized to sign an Interlocal Agreement between the County of El Paso and the City of El Paso that provides for the expenditure of funds from the Community Adjustment and Investment Program of the North American Development Bank on Chapter 380 and 381 Agreements under the Sustainability City Centers Incentive Policy. The County agrees to adopt the Sustainable City Centers Incentive Policy and work with the City's Development Department to expand the policy into the unincorporated areas of the County. **(All Districts)**  
[City Development, Marty Howell, (915) 383-8217]
- 12B.** Discussion and action on a Resolution that the Mayor be authorized to sign the third amended Interlocal Agreement between the County of El Paso and the City of El Paso that provides for a Joint Revolving Loan Fund. Revisions to the agreement include allowing the City to hire a third-party to serve as the Program Administrator and that the Revolving Loan Fund Board adopt by-laws and regulations governing its proceedings in order to effectively carry out its purpose. **(All Districts)** [City Development, Marty Howell, (915) 383-8217]

## **EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Collection matter regarding Roberto Rangel, our file #13-1003-295 (551.071)  
[City Attorney's Office, Theresa Cullen, (915) 541-4550]

- EX2.** Attorney General Opinion No. GA-1003. (551.071)  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX3.** PUC Docket NO. 41359; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County, Texas (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX4.** PUC Docket No. 41360; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station to Caliente Substation 115-kV Transmission Line in El Paso County, Texas (551.071)  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX5.** PUC Docket No. 41403; Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Caps (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX6.** Professional legal services in connection with the real estate negotiations with Union Pacific Railroad Company. (551.071 and 551.072)  
[City Attorney's Office, Theresa Cullen, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>